

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DC0261US.NP  
Inventors: Foote and Yeo  
Serial No.: 10/553,585  
Filing Date: January 13, 2006  
Examiner: Not Assigned  
Customer No.: 26259  
Group Art Unit: 1641  
Confirmation No.: 1514  
Title: A Method for Detecting Cardiac Ischemia via Changes in B-Natriuretic Peptide Levels

I, Jane Massey Licata, Registration No. 32,257, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On this date: December 8, 2006

Jane Massey Licata  
Jane Massey Licata, Registration No. 32,257

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

REQUEST FOR CORRECTED FILING RECEIPT

Enclosed for your information is a copy of the Filing Receipt issued by the PTO with respect to the above-identified application. You will note that the following items require correction:

In the **IND CLMS**:

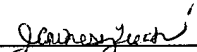
Please delete "2" and insert --1--.

In the **Domestic Priority data**:

Attached hereto is a copy of the face page of PCT application number WO 2004/105575 which confirms the priority data in question (\*) 60/501,494 09/09/2003 is correct and consistent with the aforementioned PCT application from which the instant application is a National Phase.

Since this appears to be an error on the part of the United States Patent and Trademark Office, it is respectfully requested that a corrected filing receipt be issued in this case.

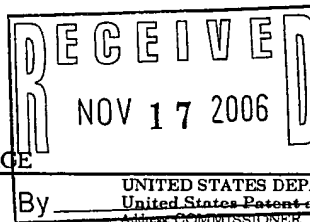
Respectfully submitted,

  
\_\_\_\_\_  
Jane Massey Licata  
Registration No. 32,257

Date: **December 8, 2006**

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515



UNITED STATES PATENT AND TRADEMARK OFFICE

By \_\_\_\_\_ UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/553,585	01/13/2006	1641	365	DC0261US.NP		3	2

26259  
 LICATA & TYRRELL P.C.  
 66 E. MAIN STREET  
 MARLTON, NJ 08053

Docket System ☒  
 Status Report ☒  
 Docket Book ☐

CONFIRMATION NO. 1514

## FILING RECEIPT



\*OC000000021192709\*

Date Mailed: 11/15/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Robert S. Foote, Hartland, VT;  
 Kiang-Tech Jerry Yeo, Etna, NH;

**Power of Attorney:** The patent practitioners associated with Customer Number **26259**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/15341 05/17/2004  
 which claims benefit of 60/474,201 05/29/2003  
 and claims benefit of 60/501,494 09/09/2003 \*  
 (\*)Data provided by applicant is not consistent with PTO records.

## Foreign Applications

**If Required, Foreign Filing License Granted:** 11/09/2006

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US10/553,585**

**Projected Publication Date:** 02/15/2007

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Method for detecting cardiac ischemia via changes in b-natriuretic peptide levels

**Preliminary Class**

435

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property  
Organization  
International Bureau



(43) International Publication Date  
9 December 2004 (09.12.2004)

PCT

(10) International Publication Number  
**WO 2004/105575 A2**

(51) International Patent Classification<sup>7</sup>: **A61B**  
(21) International Application Number:  
PCT/US2004/015341  
(22) International Filing Date: 17 May 2004 (17.05.2004)  
(25) Filing Language: English  
(26) Publication Language: English

(30) Priority Data:  
60/474,201 29 May 2003 (29.05.2003) US  
60/501,494 9 September 2003 (09.09.2003) US

(71) Applicant (for all designated States except US):  
**TRUSTEE OF DARMOUTH COLLEGE** [US/US];  
Technology Transfer Office, 11 Rope Ferry Road, Hanover,  
NH 03755-1404 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **FOOTE, Robert, S.**  
[US/US]; 98 Rice Road, Hartland, VT 05048 (US). **YEO,**  
**Kiang-Tech, Jerry** [US/US]; 2 Moody Lane, Etna, NH  
03750 (US).

(74) Agents: **LICATA, Jane, Massey et al.**; Licata & Tyrrell  
P.C., 66 E. Main Street, Marlton, NJ 08053 (US).

(81) Designated States (unless otherwise indicated, for every  
kind of national protection available): AE, AG, AL, AM,  
AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN,  
CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI,  
GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE,  
KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD,  
MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG,  
PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM,  
TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM,  
ZW.

(84) Designated States (unless otherwise indicated, for every  
kind of regional protection available): ARIPO (BW, GH,  
GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM,  
ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),  
European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI,  
FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI,  
SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ,  
GW, ML, MR, NE, SN, TD, TG).

Published:

— without international search report and to be republished  
upon receipt of that report

For two-letter codes and other abbreviations, refer to the "Guid-  
ance Notes on Codes and Abbreviations" appearing at the begin-  
ning of each regular issue of the PCT Gazette.

(54) Title: A METHOD FOR DETECTING CARDIAC ISCHEMIA VIA CHANGES IN B-NATRIURETIC PEPTIDE LEVELS

(57) Abstract: The present invention relates to a method of detecting cardiac ischemia by measuring the levels of BNP or NT-

VO 2004/105575 A2